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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/590,904	06/09/2000	Dean F. Jerding	A-6585	1598

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SCIENTIFIC-ATLANTA, INC.
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EXAMINER	
SHANG, ANNAN Q	
ART UNIT	**PAPER NUMBER**
2623	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/590,904	JERDING ET AL.	
	Examiner	Art Unit	
	Annan Q. Shang	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 April 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-62* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-62* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/27/06 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-8, 15-37 and 42-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rothmuller (5,635,989)** in view of **Legall et al (6,005,565)** previously cited.

As to claim 1, note the **Rothmuller** reference figures 1-2, disclose method and apparatus for sorting and searching a television program guide (EPG) and further disclose a programmable television services client device (Integrated Receiver Decoder 'IRD' 10) for enabling a user to search for television program information, the client device comprising:

receiving in the client device (IRD 10) from a server device (System Providers, col. 3, lines 6-23) a first data (EPG-1) including respective program information corresponding to a plurality of scheduled television programs

memory (RAM 20) for storing a first data (EPG or EPG1, col. 3, line 60-col. 4, line 16) including respective program information (EPG) corresponding to a plurality of programs, the respective program information including a first program parameter (fig. 2, program parameters such as channel number, title, time, etc.)

Microprocessor 'MP' 15, displays configuration information (fig. 2) contained in RAM 20 that includes a guide arrangement for an interactive program guide (IPG), where the guide arrangement is configured to provide a user-selectable search option for television programs in first data (EPG-1, col. 4, lines 29-53); and

a processor (MP-15) configured to provide the IPG with a first portion of the first data (EPG-1), the first portion (EPG-1) including program information for the respective programs according to the initial guide arrangement (see fig. 2 and col. 4, lines 29-53), activate the user-selectable search option (e.g. favorite listing) responsive to the user selecting the user search option, the first portion including a channel area and program display area, the program displayed area including television program titles corresponding to the television programs and time periods that are assigned to the television program titles (fig.2)

MP-15, receives a text string from the user (via IR remote by highlighting the program of interest, col. 4, line 54-col. 5, line 3 or via Keyboard by entering of alphanumeric characters, col. 5, lines 28-39) responsive to activating the user-

selectable option, the text string being input by the user, the text string corresponding to the first program parameter;

MP-15 searches the first data (EPG-1) in the memory (RAM 20) for the television programs corresponding to the received text string (favorite list, col. 5, lines 4-48), and responsive to searching the first data (EPG-1) in the memory, provide a displayed search result (figs. 3-4, col. 4, line 54-col. 5, line 3 and line 59-col. 6, line 22) comprising the IPG with a second portion of the first data (EPG-1 and favorite channel list, col. 6, lines 16-39 and line 60-col. 7, line 9), the second portion including program information for at least a portion of the corresponding television programs resulting from the search (col. 7, line 17-40), note that the favorite list includes program channel numbers, titles, time period, etc, (figs. 3-4, flow chart No. 56).

Rothmuller fails to explicitly teach a user-selectable search option having browse-by formats of title, theme, time and a character word or sequence search and providing a guide arrangement in the character word or sequence format responsive to the user selecting the search format from the user-selectable search option, receive a text string from the user by way of the guide arrangement in the character word or sequence search format and where the user-selectable search option being displayed in the channel area.

However, note the **Legall** reference figs 2-4, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a user-selectable search option having browse-by formats of title, theme, time and a character word or sequence search and providing a guide arrangement in the character

word or sequence format responsive to the user selecting the search format from the user-selectable search option, receive a text string from the user by way of the guide arrangement in the character word or sequence search format and where the user-selectable search option being displayed in the channel area (figs.2-4 and col.2, line 57-col.5, line 1+), note that the user can enter text strings by typing (col.3, line 57+) and furthermore the Power Search area is a channel area for selecting channels to be searched (figs.2 and 3B, channel selection arrows).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Legall into the system of Rothmuller to display search options in a different window, such as a channel selection area in order not to interfere with other displayed window(s) and furthermore to enable a user to perform a power search or more integrated or text search for specific EPG formats and receive an EPG based on the search.

As to claims 2-4, Rothmuller further discloses where the text string input by the user, via a remote control or Keyboard, corresponds to a portion of EPG-1 parameter (title(s)) of at least one program and where IRD displays search result or favorite channel EPG which includes a television program title, program starting time and identifies a television channel and selected through the user input for viewing (col. 5, lines 4-48, col. 6, lines 16-39 and col. 7, line 59-col. 8, line 15).

Claim 5 is met as previously discussed with respect to claim 1.

As to claim 6, the claimed "viewing device..," is met by TV display in fig. 2.

As to claim 7, the claimed "a programmable television services server device," is System Providers (col. 3, lines 14-23, which coupled to IRD via satellite, Cable links, telephone lines, etc. and periodically transmit updates to the IRD.

As to claim 8, Rothmuller further discloses where the EPG parameter corresponds to the program title of the TV program (col. 4, line 54-col. 5, line 17 and lines 28-48).

Claim 15 is met as previously discussed with respect to claim 1.

Claim 16 is met as previously discussed with respect to claim 1.

As claim 17, Rothmuller further discloses where the search parameter includes a sequence of characters related to a TV program title (Star Trek, etc., col. 4, line 54-col. 5, line 3 and lines 28-48).

Claims 18-20 are met as previously discussed with respect to claim 4.

Claim 21 is met as previously discussed with respect to claim 17.

Claims 22-24 are met as previously discussed with respect to claims 2-3.

As to claim 25, Rothmuller further discloses where the search result displayed, such as Star Trek, etc., on the TV 68 is related to a television program description that contains at least a portion of the received text string (col. 4, line 54-col. 5, line 3 and lines 28-48).

Claims 26-28 are met as previously discussed with respect to claims 2-4.

Claim 29 is met as previously discussed with respect to claim 4.

Claim 30 is met as previously discussed with respect to claim 5.

As to claim 31, note the **Rothmuller** reference figures 1-2, disclose method and apparatus for sorting and searching a television program guide (EPG) and further disclose a method for implementing a programmable television services client device (Integrated Receiver Decoder 'IRD' 10) to enable a user to search for television program information, comprising the steps of:

receiving in the client device (IRD 10) from a server device (System Providers, col. 3, lines 6-23) a first data (EPG-1) including respective program information corresponding to a plurality of scheduled television programs

"memory (RAM 20) for storing a first data (EPG or EPG1, col. 3, line 60-col. 4, line 16) including respective program information (EPG) corresponding to a plurality of programs, the respective program information including a first program parameter (fig. 2, program parameters such as channel number, title, time, etc.)

Microprocessor 'MP' 15, displays configuration information (fig. 2) contained in RAM 20 that includes a guide arrangement for an interactive program guide (IPG), where the guide arrangement is configured to provide a user-selectable search option for television programs in first data (EPG-1, col. 4, lines 29-53); and

a processor (MP-15) configured to provide the IPG with a first portion of the first data (EPG-1), the first portion (EPG-1) including program information for the respective programs according to the initial guide arrangement (see fig. 2 and col. 4, lines 29-53), activate the user-selectable search option (e.g. favorite listing) responsive to the user selecting the user search option,

MP-15, receives a text string from the user (via IR remote by highlighting the program of interest, col. 4, line 54-col. 5, line 3 or via Keyboard by entering of alphanumeric characters, col. 5, lines 28-39) responsive to activating the user-selectable option, the text string being input by the user, the text string corresponding to the first program parameter;

MP-15 searches the first data (EPG-1) in the memory (RAM 20) for the television programs corresponding to the received text string (favorite list, col. 5, lines 4-48), and responsive to searching the first data (EPG-1) in the memory, provide a displayed search result (figs. 3-4, col. 4, line 54-col. 5, line 3 and line 59-col. 6, line 22) comprising the IPG with a second portion of the first data (EPG-1 and favorite channel list, col. 6, lines 16-39 and line 60-col. 7, line 9), the second portion including program information for at least a portion of the corresponding television programs resulting from the search (col. 7, line 17-40).

Rothmuller, fails to explicitly teach where a television search parameter includes a user selected time period and a user-selectable search option having browse-by formats of title, theme, time and a character word or sequence search and providing a guide arrangement in the character word or sequence format responsive to the user selecting the search format from the user-selectable search option, receive a text string from the user by way of the guide arrangement in the character word or sequence search format and where the user-selectable search option being displayed in the channel area.

However, note the **Legall** reference figs 2-4, discloses integrated search of electronic program guide, Internet and other information resources and further discloses a user-selectable search option for a selected time period (fig.3B, EPG length 352, start time 424 and End time 426, col.3, line 40-col.4, line 15) and an option having browse-by formats of title, theme, time and a character word or sequence search and providing a guide arrangement in the character word or sequence format responsive to the user selecting the search format from the user-selectable search option, receive a text string from the user by way of the guide arrangement in the character word or sequence search format (figs.2-4 and col.2, line 57-col.5, line 1+), note that the user can enter text strings by typing (col.3, line 57+) and furthermore the Power Search area is a channel area for selecting channels to be searched (figs.2 and 3B, channel selection arrows).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Legall into the system of Rothmuller to display search options in a different window, such as a channel selection area in order not to interfere with other displayed window(s) and furthermore to enable a user to perform a power search or more integrated or text search for specific EPG formats and receive an EPG based on the search.

Claims 32-33 are met as previously discussed with respect to claims 2-4.

Claim 34 is met as previously discussed with respect to claim 4.

Claim 35 is met as previously discussed with respect to claim 5.

Claim 36 is met as previously discussed with respect to claim 6.

Claim 37 is met as previously discussed with respect to claim 7.

Claim 42, is met as previously discussed with respect to claim 31.

Claim 43, is met as previously discussed with respect to claim 31.

Claim 44, is met as previously discussed with respect to claim 2-4.

Claim 45, is met as previously discussed with respect to claim 4.

Claim 46, is met as previously discussed with respect to claim 5.

Claim 47 is met as previously discussed with respect to claim 17.

Claims 48-50 are met as previously discussed with respect to claim 4.

Claim 51 is met as previously discussed with respect to claim 17.

Claims 52-54 are met as previously discussed with respect to claims 2-4.

Claim 55 is met as previously discussed with respect to claims 25.

Claim 56 is met as previously discussed with respect to claims 2-4.

Claim 57 is met as previously discussed with respect to claims 4.

Claim 58 is met as previously discussed with respect to claim 5.

As to claim 59, Rothmuller further discloses where the EPG data contains program data files of current and future TV programs (col. 3, line 60-col. 4, line 16 and col. 7, line 45-col. 8, line 1+)

As to claim 60, Rothmuller further discloses where the EPG data is received from System Providers "a server" via satellite, cable or telephone (col. 3, lines 14-23).

Claim 61 is met as previously discussed with respect to claim 59.

Claim 62 is met as previously discussed with respect to claim 60.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 9-14 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Rothmuller (5,635,989)** in view of **Legall et al (6,005565)**, and further in view of **Boyer et al (6,268,849)**

As to claim 9, Rothmuller as modified by Legall teach all the claimed limitation as previously discussed with respect to claim 8 above, but fail to explicitly teach where the time period is selected from a list of two or more time periods displayed within the search format.

However, **Boyer** further discloses searching by time and selecting from two or more time periods displayed (fig 11, 14, Window 866, SELECT TIME OF DAY, MID DAY, AFTERNOON, etc., col. 10, line 40-col. 11, line 13).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Boyer into the system of Rothmuller as modified by Legall to provide the user with a list of time period, relating to the search, to meet specific demands of the user with respect the programs and time of the day, and provide the user with a list of program(s) and respective time periods, and enable the user to watch the program any time as desired.

As to claims 10 and 11, Rothmuller as modified by Legall, further teaches the current day, time period, but fail to explicitly teach where a default time period selection consists of current day and the following day.

However, Boyer further discloses time period selection, which includes the current day and the following day (fig 14, Window 866 and col. 11, lines 9-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Boyer into the system of Rothmuller as modified by Legall to include a default time period for the current day and the following day as taught by Boyer, to enable the user to search television programs of the next day to know in advance programs of interest.

Claims 12-14 are met as previously discussed with respect to claims 9-11.

As to claims 39-41, Rothmuller as modified by Legall teach all the claimed limitation as previously discussed with respect to claim 31, but fail to teach selecting time periods, etc., which are met as previously discussed with respect to claims 9-11.

Response to Arguments

6. Applicant's arguments with respect to claims 1-62 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claims 1-62, applicant argues that, "Rothmuller in view of Legall fails to disclose, teach or suggest the above-emphasized feature as recited in claims 1 and 31..."

In response, Examiner disagrees. Examiner notes applicant's arguments, however as discussed above, Rothmuller fails to teach displaying search option in a channel area, however, this deficiency is discloses in Legall where a search option is displayed in a Power Search area which is also a channel area for selecting channels to be searched (figs.2 and 3B, channel selection arrows). Hence Rothmuller in view of Legall teaches the amended claimed limitations as discussed above. The amendment to all the independent claims necessitated the new ground(s) of rejection discussed above. This office action is non-final.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Robarts et al (2005/0278741) disclose query-based electronic program guide.

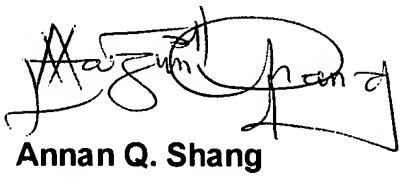
Boyer et al (6,268,849) disclose Internet TV program guide system with embedded real-time data.

Chor et al (6,141,003) disclose channel bar user interface for an entertainment system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC) at 866-217-9197 (toll-free).** If you would like assistance from a **USPTO Customer Service Representative** or access to the automated information system, **call 800-786-9199 (IN USA OR CANADA) or 571-272-1000**.



Annan Q. Shang